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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/966,706

09/27/2001

Rick Rowe

IGT1P130X2/P000676-003

7432

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08/11/2010

Weaver Austin Villeneuve & Sampson LLP - IGT

Attn: IGT

P.O. Box 70250

Oakland, CA 94612-0250

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3684

NOTIFICATION DATE

DELIVERY MODE

08/11/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/966,706	<b>Applicant(s)</b> ROWE ET AL.	
	<b>Examiner</b> Susanna M. Diaz	<b>Art Unit</b> 3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 28-36 is/are pending in the application.
- 4a) Of the above claim(s) 28-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 21, 2010 and the RCE filed July 12, 2010 have been entered.

Claim 36 has been amended.

Claims 28-35 remain withdrawn as being directed toward non-elected claims.

The restriction requirement has been made final.

Claim 36 stands rejected.

### ***Response to Amendment***

2. The previously pending rejection under 35 U.S.C. § 101 is withdrawn in response to Applicant's amendments.

### ***Response to Arguments***

3. Applicant's arguments filed June 21, 2010 have been fully considered but they are not persuasive.

Art Unit: 3684

Applicant submits that the claim amendments are not addressed by the cited references. The Examiner respectfully disagrees. Further explanation is provided in the updated art rejection below.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crevelt et al. (U.S. Patent No. 5,902,983) in view of Johnson (US 2001/0031663 A1) in view of Walker et al. (U.S. Patent No. 6,012,983).

Crevelt discloses a method of monitoring player financial activities in a gaming environment in which a player may play one or more games comprising the steps of:  
[Claim 36] generating, within the gaming system, a personal account comprising a financial account corresponding to a player, said personal account represented by at least one data file, said at least one data file adapted to contain financial information, said gaming system comprising a plurality of gaming terminals on which a player may play one or more games, and a financial server in communication with each of said plurality of gaming terminals via a communication network, said personal account

Art Unit: 3684

accessible by a corresponding player on at least one of the plurality of gaming terminals to combine player personal accounts, open a new player personal account, or close out an existing player personal account (col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9; Col. 10, lines 15-47 discuss how player winnings may be returned to a designated remote funds repository by sending a credit instruction from the gaming terminal to the remote funds repository through the casino's LAN. Winnings are settled when it is determined that the player has finished play at that particular gaming machine (see col. 10, lines 15-20), which means that a gaming terminal effectively closes out accounting for a given session of play at the end of the session, i.e., the equivalent of closure of an account occurs. Furthermore, process claims are defined by positively recited steps. There is no positively recited functionality attributed to the limitations "on which a player *may* [i.e., is capable of/allowed to] play one or more games" and "said personal account *accessible* [i.e., capable of being accessed] by a corresponding player on at least one of the plurality of gaming terminals to combine player personal accounts, open a new player personal account, or close out an existing player personal account"; therefore, such limitations fail to patentably limit the claimed invention over the prior art. Additionally, the structural nature of the gaming system does not limit the method functionally, particularly in a manipulative sense. *Ex parte Pfeiffer*, 135 USPQ 31 (BdPatApp&Int 1961) states, "As to the rejection of the claims on the prior art references, we do not agree with the appellant that such structural

Art Unit: 3684

limitations as are not disclosed by the references should be given patentable weight.

This argument is applicable to claims drawn to structure and not claims drawn to a method. **To be entitled to such weight in method claims**, the recited **structural limitations** therein **must affect the method** in a manipulative sense and not to amount to the mere claiming of a use of a particular structure, which, in our opinion, is the case here.”);

storing, on said financial server, financial information regarding monetary amounts belonging to the player which may be used to play said one or more games at a gaming terminal (col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9);

automatically creating a data file for the player at the financial server when there is no data file associated with the player, wherein the created data file is matched with the player using a unique identifier associated with a remote financial institution (col. 8, lines 42-67; col. 9, lines 1-29 – The player’s financial account information is electronically accessed. When the player set up his/her account, a processing device must have automatically, i.e., through use of a machine/computer/processor, created a data file for the player since the player previously did not have his/her own data file for that account; Figs. 1, 2; col. 5, lines 17-45; col. 8, lines 42-61 -- Each gaming machine may provide player tracking information and accounting information to an EFT system through a local area network. The EFT system, i.e., the financial transaction host,

Art Unit: 3684

maintains player-related data; columns 9-10 – The casino may communicate with an external financial institution to conduct transactions with an account associated with the player. Such an external account identifier would be a unique identifier associated with an outside institution. Funds may be transferred between the player's internal casino account and outside financial institution account); and

with said financial server:

storing financial information regarding monetary amounts expended by a player in playing said one or more games (col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9; Col. 10, lines 15-47 discuss how player winnings may be returned to a designated remote funds repository by sending a credit instruction from the gaming terminal to the remote funds repository through the casino's LAN); and

determining player loss from said financial information (col. 3, lines 8-18);

determining an amount won from said financial information (col. 3, lines 8-18; Col. 10, lines 15-47 discuss how player winnings may be returned to a designated remote funds repository by sending a credit instruction from the gaming terminal to the remote funds repository through the casino's LAN).

Regarding claim 36, Crevelt does not expressly teach the step of preventing said player from utilizing monetary amounts associated with said account to play said one or more games for at least a period of time if said determined player loss meets certain

Art Unit: 3684

criteria. However, Johnson discloses the step of preventing said player from utilizing monetary amounts associated with said account to play said one or more games for at least a period of time if said determined player loss meets certain criteria (¶¶ 13, 17, 19, 23). This feature of Johnson helps to curb gambling problems as well as assist casinos (and other gambling/playing locations) in conforming to jurisdictional restrictions regarding gambling loss limits (¶¶ 10, 13, 17). Crevelt too is concerned with reasonably limiting the money spent by a player on gambling/gaming machines (col. 2, lines 18-28; 31-49; col. 4, lines 54-62), as evidenced by Crevelt's statements that the prior art "likely will be unpalatable to at least some legislatures which regulate gaming" and that Crevelt addresses "a need for an EFT system that allows cashless transfers of funds to gaming machines and yet protects against rash decisions by some players to divert large amounts of their savings to gaming" (col. 2, lines 23-28). Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Crevelt to perform the step of preventing said player from utilizing monetary amounts associated with said account to play said one or more games for at least a period of time if said determined player loss meets certain criteria in order to help curb gambling problems as well as assist casinos (and other gambling/playing locations) in conforming to jurisdictional restrictions regarding gambling loss limits (as suggested in both ¶¶ 10, 13, and 17 of Johnson and col. 2, lines 23-28 of Crevelt).

Crevelt does not explicitly disclose the step of storing a threshold win amount limit, above which subsequent play should be limited or the step of comparing the



Art Unit: 3684

amount won to the limit on the amount won. However, Walker allows players to set a limit on winnings such that automated play is stopped if the winnings threshold is exceeded (Fig. 8B, col. 8, lines 15-33, 50-61). According to Walker, “there is provided a method and apparatus for automated play which permits a casino to recognize substantially increased play time, and hence revenue, from a gaming device. At the same time, the invention satisfies a player’s emotional desire to maximize his playing time on selected gaming devices, while accommodating the physical need to at times be away from the machines.” (Col. 2, lines 29-37) Both Crevelt and Walker are directed toward gambling environments; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Crevelt to perform the step of storing a threshold win amount limit, above which subsequent play should be limited and the step of comparing the amount won to the limit on the amount won, as taught by Walker, in order to create an automated play environment “which permits a casino to recognize substantially increased play time, and hence revenue, from a gaming device [and at] the same time satisfy a player’s emotional desire to maximize his playing time on selected gaming devices, while accommodating the physical need to at times be away from the machines” (as suggested in col. 2, lines 29-37 of Walker).

Regarding claim 36, the Examiner notes that there is very little integration among the recited steps. As seen in the cited references, the elements are all known even when not necessarily combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. Furthermore,

Art Unit: 3684

when combined, the elements perform the same function as they did separately, thereby further supporting the Examiner's assertions that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine the aforementioned references to address the claimed invention as explained above.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna M. Diaz/  
Primary Examiner, Art Unit 3684